


PROGRAM DIRECTOR ACTION REQUEST

To: Ted Rauh, Deputy Director
Compliance and Enforcement Division

From: 
Scott Walker
Manager
Engineering Support Branch

Prepared By: Mustafe Botan
(916) 341-6367
Mustafe.Botan@CalRecycle.ca.gov

Reviewed By: Holly Armstrong, Legal Office
Steve Levine, Legal Office
Marissa Cota, Financial Resources Management Branch
Annabel Farrall, Budgets Office

Prepared On: December 1, 2010

Attachments: A. Grant Information for the Local Government Partial Grant Program
B. Grant Information for the Illegal Disposal Site Cleanup Grant Program

Subject: **PROPOSED GRANT AWARDS FOR THE SOLID WASTE
DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM
(SOLID WASTE DISPOSAL SITE CLEANUP TRUST FUND, FY
2010/11)**

TIME FACTOR: Approval required no later than December 31, 2010.

SUMMARY: Staff has completed an evaluation and recommends approval of six new grant proposals totaling \$1,671,692 pursuant to the two grant programs under the Solid Waste Disposal and Codisposal Site Cleanup Program (Program): the local government partial grants and the illegal disposal site cleanup grants. Table 1 and Table 2 provide general information on the grants. Detailed project information for the grants recommended for approval is presented below.

OPTIONS: The Program Manager may decide to:

1. Approve the proposed grant awards and direct staff to enter into grant agreements with the awarded applicants; or
2. Disapprove the proposed awards and direct staff as to further action.

Table 1. Summary of local government partial grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	Ventura County	\$385,200	\$385,200
2	City of Escondido	\$200,000	\$200,000
3	San Diego County	\$189,868	\$189,868

Table 2. Summary of illegal disposal site cleanup grants.

Score-Based Rank	Applicant	Requested Funding	Recommended Funding
1	City of Huntington Park	\$456,500	\$456,500
2	Del Norte Resource Conservation District	\$90,124	\$90,124
3	City and County of San Francisco	\$350,000	\$350,000

RECOMMENDATION: Staff recommends Option 1.

DISCUSSION: The Program addresses cleanup of solid waste disposal and codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for a timely remediation and where cleanup is needed to protect public health and safety or the environment. Cleanup projects are implemented through contracts, grants, and loans. The California Integrated Waste Management Board (Board) [now the Department of Resources Recycling and Recovery (CalRecycle))] approved Program policies in February and September 1994, March and September 1995, and February, June, and August 1999. Regulations incorporating the approved policies were adopted by the Board in May 2000 and became effective September 11, 2000. In addition, CalRecycle approved the grant scoring criteria and the evaluation process for fiscal years 2010/11 and 2011/12 in August 2010.

As these are grants, any applicant's need for the funds is to be considered. Each grant application has a section for applicants to substantiate the need for the grant funds that is evaluated by staff as part of the General Scoring Criteria. In all cases, the applicants have expressed that their current funding is inadequate to complete the project. In addition, there is also a section for the substantiation of the threat to public health and safety and/or the environment, which is also evaluated by staff as part of the General Scoring Criteria. Based on the evaluations, the need for funding and threat being remediated are quantified and included in the grant's overall score and subsequent prioritization.

Title 14, California Code of Regulations, section 18904 specifically lists eligible and ineligible remedial actions under the Program and allows CalRecycle to consider approval of any other remedial actions not specified as ineligible. Unless otherwise noted, specific actions proposed for each project are specifically eligible pursuant to the regulations.

Local Government Partial Grant Program

The funding of the three proposed grants totaling \$775,068 is summarized in Table 3. A brief summary of each recommended grant is included in Attachment A.

Table 3. Funding summary of local government partial grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2010/11)	\$1,500,000	\$775,068	\$724,932	Grants

With respect to local government partial grants, CalRecycle may award partial grants to public entities to clean up (among other sites) publicly operated solid waste disposal and codisposal sites that have always operated as public facilities. As a grant is essentially a bestowal of funds, cost recovery is not an issue in those cases, even though the public entity grantee is the "responsible party" for the cleanup. Therefore, those applicants are not subject to cost recovery by CalRecycle.

Illegal Disposal Site Cleanup Grant Program

The funding of the three proposed grants totaling \$896,624 is summarized in Table 4. A brief summary of each recommended grant is included in Attachment B.

Table 4. Funding summary of illegal disposal site cleanup grants.

Fund Source	Amount Available	Amount to Fund Item	Amount Remaining	Line Item
SWDTF (FY 2010/11)	\$1,000,000	\$896,624	\$103,376	Grants

With respect to illegal disposal site cleanup grants, cost recovery is not applicable when the grants involve the cleanup of public land maintained for public benefit and use and the entity did not cause or gain a benefit from the disposal of the waste. A grant is appropriate and cost recovery is not applicable as to the public entity. With respect to the three grants proposed herein, all involve the cleanup of public land maintained for public benefit and use and the applicant did not cause or gain a benefit from the disposal of the waste. Therefore, the applicants will not be subject to cost recovery by CalRecycle. With respect to the use of Illegal Disposal

Site Cleanup Program grant funds to clean up private parcels, the public entities would be required to agree to pursue cost recovery on behalf of CalRecycle.

I hereby approve grants totaling one million, six hundred seventy-one thousand, six hundred ninety two dollars (\$1,671,692) and direct staff to develop and execute the Grant Agreements with the following:

Local Government Partial Grant Program


Ventura County	\$385,200
City of Escondido	\$200,000
<u>San Diego County</u>	<u>\$189,868</u>
Total	\$775,068

Illegal Disposal Site Cleanup Grant Program

City of Huntington Park	\$456,500
Del Norte Resource Conservation District	\$90,124
<u>City and County of San Francisco</u>	<u>\$350,000</u>
Total	\$896,624

The award of each grant is conditioned upon full payment within ninety (90) days of the date of this grant award of all outstanding debt(s) or scheduled payment(s) owed by the proposed Grantee to CalRecycle.

The award of each grant is further conditioned upon the return by the proposed Grantee of a complete and executed Grant Agreement within ninety (90) days from the date of the mailing of the grant agreement package by the Program.


Ted Rauh, Deputy Director
Compliance and Enforcement Division

DECEMBER 8, 2010
Date

ATTACHMENT A
Grant Information for the Partial Grants to Public Entities

Applicant: Ventura County (County)

Estimated Project Cost: \$1,053,318

Requested Amount: \$385,200

Amount Recommended: \$385,200

Project Description: The Piru Disposal Site (PDS) is located approximately one mile south of the community of Piru in eastern Ventura County on land purchased by the County in 1951 for use as a burn dump. Located along the north bank of the Santa Clara River, it is believed that the footprint of the refuse area is approximately 7.5 acres of the 10.6 acre parcel. The PDS was then operated by Ventura County from 1951 to 1971, when it was closed and used as a transfer station by the County for one year. The Ventura County Regional Sanitation District operated the site as a transfer station from 1972 until 1985, when it was closed. Since that time the County has maintained the site as a regulated and compliant closed landfill facility.

During the period beginning in December 2004 and ending in February 2005, the PDS area suffered significant storm events. High flows in the Santa Clara River formed a new side channel close to the north bank of the river adjacent to the PDS, which resulted in significant erosion along the north and east faces of the PDS. Following state and federal declaration of the storm events as natural disasters, the County was granted \$668,118 of Public Assistance funds by the Federal Emergency Management Agency (FEMA) for remediation work. This work was in progress when additional landfill materials were discovered outside the known boundaries of the original landfill site and within the floodplain of the river. When the additional landfill material was discovered, work on the bank protection was halted. Because the material cannot be definitely indentified as having been generated from or by the storms in late 2004 and early 2005, the work to protect this material cannot be included in the FEMA funding.

Scour analysis of the area indicates a high susceptibility to erosion with possible exposure of the landfill material. The County has determined that the additional material must be protected from erosion by future storms and will use the funds to complete its original project by removing the newly discovered material from the floodplain and placing it within the limits of the protected landfill. Bank protection in the area where the material was excavated will be restored.

Attachment A

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Applicant: City of Escondido (City)

Estimated Project Cost: \$400,000

Requested Amount: \$200,000

Amount Recommended: \$200,000

Project Description: The Benton Burn Site within the Escondido Country Club was operated in the late 1940s and early 1950s by Jesse and Lena Benton and is located in the northern portion of the City and in an unincorporated area of San Diego County. The Bentons contracted to receive trash collected by the City and, briefly, the County of San Diego. A portion of the site underlies a publicly accessible two-acre greenbelt owned by the Country Club Woods Homeowners' Association (HOA) and two other private residences. When the portion of the site within the City was developed for housing in the early 1980s, potential homebuyers were not informed about the site's history.

Several investigations have been conducted at the Benton Burn Site since 1995 and site inspections have been conducted by the LEA since 1997. In 1995, the San Diego County Department of Environmental Health prepared a report that estimated the extent of the former burn site. Sampling conducted by the LEA in 1999 revealed burn ash materials were present on the ground surface and within a garden located on the former burn site and lead levels in the samples exceeded the California Human Health Screening Level and the California hazardous waste level. The LEA noted that the site did not meet State Minimum Standards and documented that the site was a high priority for investigation and remediation.

In 2003 additional sampling was done by the Department of Toxic Substances Control (DTSC) and, based on the sampling results and site conditions, the DTSC concluded the site did not require emergency response actions under the National Contingency Plan and did not refer the site to US EPA's Emergency Response Office.

In 2007, the California Integrated Waste Management Board (CIWMB) conducted an additional investigation and noted that there were several areas of exposed burn ash on the site and elevated levels of copper and/or lead. The CIWMB recommended that the LEA pursue correction of the conditions with the property owners.

This application presents a matter of first impression for the Department, in that if approved would award a partial grant to a public entity responsible party which has no present ownership interest in the site and thus would additionally benefit the private parties which own the site. To date Department/CIWMB partial grants have primarily been awarded to public entities to clean up publicly operated solid waste disposal and codisposal sites that have always operated as public facilities. In September of 2008 the CIWMB extended the reach of its grants to include a site (the Canyon Park site) which was co-owned by a public entity and a private party and which

thus benefited both parties. Here the City of Escondido has no present ownership interest in the site but is acknowledging its obligations as a responsible party under the Cleanup Program statutes and seeking grant assistance to perform the remediation. The City has committed to funding its portion of the project costs and will negotiate with the private parties regarding an equitable allocation of those costs between the parties. Thus an award for this site would extend the objectives for the partial grant portion of the Program to include sites where: (a) the present private party owners had no involvement with the deposition of waste at the site; (b) the public entity, while having no present ownership interest nevertheless acknowledges its obligations as a responsible party; and (c) half the costs of the remediation are borne by the responsible parties through an equitable apportionment determined by the parties. Such a program objective is consistent with the Program's enabling statutes and in Staff's view encourages public entities which had formerly been involved with the deposition of waste at a site to pursue the laudable goal of fulfilling their shared responsibility for remediation in a cooperative manner with the current owners.

The City proposes to use the grant funds to consolidate and cap the burn ash-containing waste.

Applicant: San Diego County (County)

Estimated Project Cost: \$379,736

Requested Amount: \$189,868

Amount Recommended: \$189,868

Project Description: The Bonsall landfill (SWIS#37-AA-0004) is located in northern San Diego County and was operated by the County from 1968 to 1985 as a Class II (current Class III) landfill accepting municipal solid waste. The landfill encompasses an area of 122 acres, of which approximately 46 are landfilled with approximately 1.8 million tons of waste. The landfill is surrounded by parcels consisting of open land, residential, and mixed use agricultural land.

On September 23, 2008, the Landfill Management Division of the San Diego County Department of Public Works received Investigative Order R9-2008-0097 from the San Diego Regional Water Quality Control Board, which named the County as the responsible party for causing a condition of pollution which has adversely affected beneficial uses of ground water down gradient of the Bonsall Landfill. Subsequent investigations have identified source control measures (i.e., cover, drainage, and landfill gas control system upgrades as appropriate to address the offsite impacts to ground water. Previous investigations performed at the site have recognized deficiencies in the cover (i.e., grade reversals and settlement resulting in ponding water) and storm water conveyance system (i.e., inadequate flume size and compromised storm

Attachment B**Page B-2**

Applicant: Del Norte Resource Conservation District (District)

Estimated Project Cost: \$90,124

Requested Amount: \$90,124

Amount Recommended: \$90,124

Project Description: The District is requesting grant funds to cleanup 10 illegal dumpsites on property owned by the California Department of Fish and Game (DFG) in the Lake Earl Wetlands and Wildlife Area. Most of the illegal dumping is concentrated on an abandoned development named Pacific Shores Subdivision. In the 1960s, Tamco Development Company developed and paved 27 miles of roads, put up street signs, and with County approval began selling the half-acre lots in the newly named Pacific Shores subdivision. Less than a decade later the Coastal Act was passed to protect sensitive habitat of seasonal wetlands, sand dunes, and endangered species, which prevented the privately-owned properties from being further developed. Property owners are currently prohibited from installing water and sewer systems in this coastal area. Since the properties were decreed non-developable, some lots have been turned into a squatters' paradise of abandoned buses, boats and trash. The DFG has been purchasing properties in the Pacific Shores Subdivision for use as habitat for wildlife and public recreation.

The proposed grant will remove, dispose of and recycle garbage, solid waste and refuse on the publicly-owned properties. Using environmentally low impact methods, this project will remove illegally dumped waste and restore the area to its intended use of support for wildlife and public recreation within the California Coastal Zone. No dumping signs will be posted to deter additional illegal dumping.

ATTACHMENT B
Grant Information for the Illegal Disposal Site Cleanup Grants

Applicant: City of Huntington Park (City)

Estimated Project Cost: \$616,150

Requested Amount: \$456,500

Amount Recommended: \$456,500

Project Description: The City has a significant and increasing problem with illegal dumping that is creating serious public health and safety problems. Annually, the City and its franchised waste haulers, Waste Management and Consolidated Disposal, dispose of thousands of tons of illegally discarded waste materials that have been left on City streets, alleys, parkways, and open spaces.

The City has identified eight (8) areas and twenty six (26) sites on City streets, alleys, and thoroughfares where chronic illegal dumping is occurring. These would be the target areas for the proposed grant program. The City's proposed plan includes cleaning up these chronic illegal dumping sites, the posting of signs stating the violations and fines associated with the offense of illegal dumping, 24-hour surveillance program, the installation of active and dummy cameras, active code enforcement, and increased public education. As part of the outreach, the program includes the development of print media to include brochures; a bill insert in resident's water and trash service bill; and new content for the City's website and other publications regarding the need to keep Huntington Park clean and the fines and penalties for illegal dumping.

Grant funds requested include up to \$187,100 for waste removal, transportation, and disposal/recycling activities, up to \$239,400 for preventative activities relating to site security (surveillance and public outreach), and up to \$30,000 for administration and project management. The City will contribute \$159,650 of in-kind services toward the project.

Attachment B

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Applicant: City and County of San Francisco (City)

Estimated Project Cost: \$1,325,000

Requested Amount: \$350,000

Amount Recommended: \$350,000

Project Description: The City reports it receives approximately 45 reports of illegal dumping per day and the Department of Public Works (DPW) collects over 3,600 tons of illegally disposed garbage per year, at an annual cost of over \$2 million.

Grant funds would be used to clean up 25 chronic illegal dumping hot spots in the City's Supervisorial District 10, which encompasses the Southeast portion of the City. The 25 sites identified for cleanup were selected based on being on a public right of way, being highly visible from a public thoroughfare, and close proximity to residences.

The City proposes to eliminate the sites as illegal dumping locations through cleanup, mitigation, public education and outreach, enforcement, and monitoring. \$270,000 of the grant funds would be used for cleanup, disposal, and prevention measures. The remaining \$80,000 would be used for community outreach and increased enforcement activities. The City will fund an additional \$975,000 in illegal dumping cleanup and prevention activities.
